

JUDGE BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES P.A. DIXON,

Defendant.

No. CR04-5524FDB

ORDER
CONTINUING TRIAL

This Court has considered the Defendant's Motion to Continue Trial. Trial in this case currently is scheduled for May 23, 2005. The Court finds, however, that the Defendant's attorney, Michael E. Schwartz will be in trial on United States v. Jesus Garcia-Villalba the entire month of May.

Because of the nature of the charge, and the potential penalties to Mr. Dixon if he is convicted, Defense Counsel's efforts in this regard are in good faith and in keeping with the standards of effective assistance of counsel.

The Court further finds, pursuant to 18 U.S.C. § 3161(h)(8)(a) that the ends of justice will be served by continuing the trial in this case, to a date defense counsel is available, outweigh the interest of the public and of the defendant in a more speedy trial.

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3 IT IS THEREFORE ORDERED that the trial in this case shall be continued from May 23, 2005 to
4 the new trial date of August 8, 2005, and that the period of time from the current trial date of May
5 23, 2005 up to and including the new trial date of August 8, 2005, shall be excludable time under
6 18 U.S.C. § 3161(h)(8)(a)

7 DATED this 2nd day of May, 2005.
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10 /s/ Franklin D Burgess
11 FRANKLIN D BURGESS
United States District Judge

12 Presented by:

13 LAW OFFICES OF MICHAEL SCHWARTZ, Inc.
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15 By: /s/
16 Michael E. Schwartz, WSBA #21824
Attorney for Defendant
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